

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,
Austin, Texas, March 16, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 411, "An Act amending
Article 322, of the 1925 Revised Civil
Statutes of Texas, same being Acts
of 1927, Fortieth Legislature, page
222, Chapter 151, by omitting the
word 'fortieth,' which same is the
Fortieth Judicial District of Ellis
County, Texas, and declaring an
emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 35, Endorsing the ap-
pointment of L. A. Robinson for cer-
tain position,

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 42, Granting Jess V.
Creech permission to sue the State,

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 43, Granting R. A.
Robinson permission to sue the State,

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

THIRTY-NINTH DAY

(Friday, March 17, 1933)

The House met at 9:30 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Stevenson.

The roll was called, and the follow-
ing Members were present:

Mr. Speaker.	Hughes.
Adamson.	Hunt.
Aikin.	Jackson.
Alexander.	James.
Alsup.	Jefferson.
Anderson	Johnson
of Johnson.	of Anderson.
Baker.	Jones of Atascosa.
Barrett.	Jones of Runnels.
Barron.	Jones of Shelby.
Beck.	Kayton.
Bedford.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Bradley.	Laird.
Burns.	Lemens.
Butler.	Leonard.
Calvert.	Lindsey.
Camp.	Lotief.
Canon.	Magee.
Cathey.	Mackay.
Caven.	Mathis.
Clayton.	McClain.
Colson.	McDougald.
Coombes.	McGregor.
Cowley.	McKee.
Crossley.	Merritt.
Daniel.	Metcalfe.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Moore.
Dunlap.	Morrison.
Dunagan.	Morse.
Dwyer.	Munson.
Engelhard.	Nicholson.
Fain.	Palmer.
Fisher.	Parkhouse.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Puryear.
Graves.	Ramsey.
Greathouse.	Ratliff.
Griffith.	Ray.
Haag.	Reader.
Hankamer.	Reed of Bowie.
Harman.	Reed of Dallas.
Harris.	Renfro.
Harrison.	Riddle.
Hartzog.	Roberts.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hill of Webb.	of Ochiltree.
Hodges.	Rollins.
Holekamp.	Ross.
Holland.	Russell.
Holloway.	Scarborough.
Hoskins.	Scott.
Huddleston.	Shannon.

Shults.	Townsend.
Smith.	Van Zandt.
Stanfield.	Vaughan.
Steward.	Wagstaff.
Stinson.	Walker.
Sullivant.	Weinert.
Tarwater.	Wells.
Tennyson.	Winningham.
Tillery.	Young.

Absent

Duvall.	West.
Long.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Chastain.	Latham.
Few.	McCullough.
Golson.	Patterson.
Good.	Savage.
Goodman.	Stovall.
Head.	Thomas.
Hester.	Turlington.
Hyder.	Wood.

A quorum was announced present.
Prayer was offered by Rev. Geo.
W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Golson for today and tomorrow, on motion of Mr. Greathouse.

Mr. Turlington and Mr. Latham for today, on motion of Mr. Glass.

Mr. Savage for today, on motion of Mr. Aikin.

Mr. Hester for today, on motion of Mr. Haag.

The following Members were granted leaves of absence for today, on account of important committee work, on motion of Mr. Ford: Messrs. Good, Stovall, Sullivant, Chastain, Hyder, Wood, Thomas, Head, and McCullough.

The following Members were granted leaves of absence on account of illness:

Mr. Patterson for today and tomorrow, on motion of Mr. Morse.

Mr. Goodman for today and tomorrow, on motion of Mr. James.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hunt (by request) and Mr. Good:

H. B. No. 826, A bill to be entitled "An Act to amend Chapter 163, Acts of the Regular Session of the Forty-second Legislature, by adding thereto a new section, restricting the interest rate to be borne by funding bonds; providing that the methods of authorizing and issuing, and the interest rates of funding bonds, as determined in said law, shall take precedence of all special city charter provisions of the contrary, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Ross:

H. B. No. 827, A bill to be entitled "An Act designating fur-bearing animals, declaring them the property of the State, declaring a five-year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Ross:

H. B. No. 828, A bill to be entitled "An Act providing that Liberty and Hardin Counties, for a period of two years, shall be relieved from the operation of the law providing for systematic tick eradication; providing the Live Stock Sanitary Commission, its agents and employes, shall cease its work in the two named Counties; staying proclamations of the Governor as to the aforesaid Counties; providing Chapter 56, Acts, First Called Session, Forty-first Legislature, in so far as it relates to systematic tick eradication, shall be suspended as to Liberty and Hardin Counties for a period of two years; declaring said Counties to be in the inactive quarantine area, and that permit must be had from the Livestock Sanitary Commission for movement of cattle or other livestock from said area, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. McClain and Mr. Dunagan:

H. B. No. 829, A bill to be entitled "An Act to amend Article 4512, Chapter 6, Title 71, of the Revised Civil Statutes of the State of Texas, 1925, creating a new article, to be known as 'Article 4512-a,' relating to actions to recover fees for medical services

performed by any physician and/or surgeon; providing for a limitation of charges for such services; providing for exceptions to such rule of limitation; repealing all laws or parts of laws, in so far as they may be in conflict with this Act; declaring a rule of construction, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Scarborough:

H. B. No. 830, A bill to be entitled "An Act to validate all annexations of a portion of one common county line consolidated school district to an independent school district, made pursuant to elections held in each of said districts on the same day, wherein, and whereby, at the election so held in the common district seeking to be annexed to such other district, a majority of the tax-paying voters, voting at such an election, voted for such annexation, and likewise voted to subject all property, subject to taxation in such common school district, to the same rate of taxation applicable in such independent school district, to which such annexation was sought to be made, and wherein and whereby, at the election so held in the independent school district, to which such common school district was sought to be annexed, a majority of the tax-paying voters, voting at such election, voted in favor of such annexation, etc., and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Anderson of Johnson:

H. B. No. 831, A bill to be entitled "An Act, the purpose of which is to safeguard the health of the people of this State by insuring the sanitary and healthful production and distribution of fluid milk and sweet cream; defining 'fluid milk,' 'sweet cream,' 'butter fat,' 'milk distributors,' and 'milk producers'; providing for the Commissioner of Agriculture to promulgate and publish rules governing the production of milk; empowering and directing such Commissioner to fix minimum prices for which fluid milk and sweet cream may be sold, such minimum prices to be based upon costs of producing healthful milk; providing that the Commissioner may change such minimum prices, not oftener than twice each year, to meet the fluctuations in production costs,

and providing for the Commissioner to publish such prices; providing further for the Commissioner to employ assistants, and incur expenses for investigations of production costs, and that he shall investigate production costs, inspect dairies, and require reports of methods and production costs from milk producers, etc., and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Butler and Mr. Clayton:

H. B. No. 832, A bill to be entitled "An Act creating the Texas Athletic Commission, which shall have sole jurisdiction over all ring exhibitions in the State, said Commission to consist of three members, appointed by the Governor, and fixing the terms of office at two years; providing the method of filling vacancies; providing for the maintenance of an office, the selection of a chairman and a secretary, and the number that shall constitute a quorum; fixing the yearly salaries, and from what funds such salaries shall be paid; providing for the appointment of a secretary to the Commission, prescribing his duties, and fixing his salary; fixing the time for the first meeting and organization of the Commission, the adoption of a seal for the Commission, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. McGregor, Mr. Mathis, Mr. Engelhard, and Mr. Parkhouse:

H. B. No. 833, A bill to be entitled "An Act amending Article 2529, Chapter 1, Title 47, Revised Statutes, as amended by Chapter 57, First Called Session, Fortieth Legislature, as further amended by Chapter 124, General Laws, Regular Session, Forty-first Legislature, to authorize the State Depository Board to accept warrants, drawn against the General Revenue Fund of the State, as collateral to secure deposits made by the State in State depositories, and declaring an emergency."

Referred to Committee on Banks and Banking.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and

referred to the appropriate committee, as follows:

By Mr. Harman, Mr. Stovall, Mr. Good, Mr. Sullivant, and Mr. Smith:

H. J. R. No. 36, Proposing amendments to Section 4 of Article III; Sections 2, 4, 5, 21, 22, and 23 of Article IV; Section 9, 15, 20, 21, and 23 of Article V; Section 14 of Article VIII; Section 16 of Article VIII; and Section 44 of Article XVI; fixing the terms of office of the constitutional officers at four (4) years, and providing for salary and the manner of election.

Referred to Committee on Constitutional Amendments.

TO GRANT E. R. LEACH PERMISSION TO SUE THE STATE

Mr. Renfro offered the following resolution:

H. C. R. No. 48, To grant E. R. Leach permission to sue the State.

Whereas, On July 1, 1932, E. R. Leach entered into a contract with the State of Texas, acting by and through its State Highway Commission and State Highway Engineer, for the construction of certain improvements in Pecos County, Texas, known and designated as Federal Aid Project 612-B and C—II; type of work being caliche base and triple asphalt treatment; time allowed for work, two hundred working days, amount of contract \$107,805.77; and

Whereas, E. R. Leach, acting under and by virtue of said contract, in compliance with the terms and conditions thereof, commenced work on said construction project, placing thereon various articles of equipment, including all items of equipment purported to have been needed for the performance of said contract; and

Whereas, The State Highway Department refused payment of any and all sums due E. R. Leach for estimates due under said contract, and declared said construction job in default and refused E. R. Leach permission to make release bonds for claims filed with the State Highway Department, as provided by Article 5472-B, Vernon's Annotated Statutes of Texas and amendment thereto, and refused to allow E. R. Leach to

complete the said work called for in said contract; and

Whereas, On or about August 24, 1931, E. R. Leach entered into a written contract with the State of Texas, acting by and through its State Highway Engineer, under the terms which said E. R. Leach agreed to construct and improve a certain road in Brown County, Texas, being designated as S-896-A-II; said contract being approved by the State Highway Commission, and that said E. R. Leach, in compliance with said contract, did construct, improve, and build the said roads and complied with the terms of said contract and alleges that there is due him thereunder certain sums; and

Whereas, Although the Legislature of the State of Texas does not admit that E. R. Leach has a valid or just claim against the Highway Commission, it is the sense of this Legislature that no citizen of this State or of any other State who has a valid or just claim against the State of Texas shall be deprived of his opportunity to establish and enforce such claim against the State or any Department thereof by reason of any legal inhibition; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that

Section 1. That E. R. Leach, a resident citizen of the State of Texas, is hereby given and granted consent and permission to file suit against the Highway Commission of the State of Texas, as such Commission, and the State of Texas, in any State District Court in Travis County, Texas. Said suit shall be based upon two certain purported contracts entered into, signed, executed and delivered by and between the State of Texas, acting by and through its State Highway Engineer and/or State Highway Commission and the said E. R. Leach, on or about the first day of July, 1932, and a certain purported contract entered into, signed, executed, and delivered by and between the State of Texas, acting by and through its State Highway Engineer and/or State Highway Commission, on or about the twenty-fourth day of August, 1931; provided, however, that said suits shall be filed within ninety days from and after this Act shall take effect; provided,

however, that a writ of injunction will not lie for the purpose of preventing other contractors contracting with the State Highway Commission from proceeding with work on the said aforesaid construction projects.

Sec. 2. The State of Texas and said Highway Commission, in case a judgment may be obtained by E. R. Leach, may appeal from said judgment as is provided by law for other parties, and the State and said Highway Commission shall not be required to execute any bond, and if a final judgment be recovered against the State of Texas or said Commission, the same shall be paid in full out of the State Highway Funds.

Sec. 3. Service in said cause shall be had by citing the Governor, the Chairman of the Highway Commission, and the Attorney General of the State of Texas.

Sec. 4. The fact that E. R. Leach is without remedy at law for the recovery of damages for the purported breach of his said contracts with the State of Texas, and whereas his only remedy is that of enjoining any further work on the aforesaid projects, and whereas the Pecos County road is under construction and closed and cannot be used by thousands of citizens of this State desiring to travel thereon, creates an emergency and an imperative public necessity, that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The resolution was read second time, and on motion of Mr. Renfro, was referred to the Committee on State Affairs.

TO GRANT DICK ISBELL PERMISSION TO SUE THE STATE

Mr. Dunagan offered the following resolution:

H. C. R. No. 49, To grant Dick Isbell permission to sue the State.

Whereas, On or about April 9, 1929, cattle belonging to Dick Isbell of Ore City, Texas, were so care-

lessly and negligently dipped that several died as a result of such dipping; and

Whereas, The exact amount of damages is uncertain; and

Whereas, The amount involved cannot be adjusted between the parties and a necessity existing for the determination of the validity and a settlement thereof of the claims of the said Dick Isbell in a court of competent jurisdiction; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Dick Isbell be, and is hereby, granted permission, and given authority to institute a suit against the State of Texas in a court of competent jurisdiction in order to determine and settle the amount of damages, if any, arising out of and in connection with the aforesaid loss.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

ENDORISING CERTAIN LOAN FROM THE RECONSTRUCTION FINANCE CORPORATION

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 29, Relative to certain loan from the Reconstruction Finance Corporation.

Whereas, Waco, Beaumont, Trinity & Sabine Railway Company owns and operates two lines of railroads in East Texas, one extending from Weldon in Houston County via Trinity in Trinity County to Livingston, the county seat of Polk County, and the second, a branch line from Trinity via Groveton, the county seat of Trinity County, to Colmesneil in Tyler County, with 115 miles of main track, serving five counties in East Texas, together with numerous towns and cities; and

Whereas, The operation of said railway company is essential to the economic life and prosperity of the region which it serves, with a population of about fifty thousand people, and development of industrial life, which is in transition from mainly the manufacture of lumber

to the greater and more important underlying resources; and

Whereas, Extensions of said railroad are required, namely, from Livingston to the Sabine ports of Beaumont and Port Arthur, and from Weldon via Normangee to Waco, Texas, to create a new short, direct route from the Sabine ports to the interior of Texas, connecting with the various trunk line systems heretofore constructed across the State of Texas, equalizing the position of the Sabine ports with other ports as to rates and distances, and rendering the Sabine ports serviceable for the general public, which project has been approved twice heretofore by the Legislature of the State of Texas; and

Whereas, As of July 12, 1927, the Interstate Commerce Commission, on the ground stated, granted the said railway company certificates of convenience and necessity authorizing the railway company to construct said extensions, work on which was begun but now is suspended on account of the present general depression; and

Whereas, In January, 1932, the railway company submitted to the Congress of the United States, then having under consideration the Reconstruction Finance Corporation Act, its situation; and the Congress, being advised in the premises, added an amendment to the Act making railroads in process of construction eligible for loans for completion of their projects; and

Whereas, The Waco company has applied to the Reconstruction Finance Corporation for a loan of \$5,150,000 to enable it at this time to carry out and complete its plans; and

Whereas, Consummation of said plans is of intense interest to the entire region between Waco and the Sabine ports; the work is calculated to give employment to several thousand people, afford a market for a large amount of material produced in the local territory, and relieve an acute situation of economic distress and difficulty; and

Whereas, The plans of the railway company are sound and meritorious, and, if consummated under current conditions, will not only enable the construction of the railroad with great economy, but will contribute to the relief of current condi-

tions and the restoration of prosperity in the section interested and elsewhere; now, therefore, be it

Resolved by the House of Representatives and Senate of the State of Texas, That the Legislature of the State of Texas hereby endorses and approves the application made by the railway company to the Reconstruction Finance Corporation, and hereby requests the Reconstruction Finance Corporation to grant, and the Interstate Commerce Commission to approve, the loan applied for.

Resolved further, That certified copies of this resolution be transmitted at once to the Chairman of the Board of Reconstruction Finance Corporation and to the Chairman of the Interstate Commerce Commission, at Washington, D. C.

The resolution was read second time, and was adopted.

REQUESTING RETURN OF MEMORIAL TO CONGRESS FOR FURTHER CONSIDERATION

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 31, Requesting return of a memorial to Congress for further consideration.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the House return to the Senate for further consideration, a memorial to Congress concerning the building of a storage reservoir on the Rio Grande.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 26 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act to amend Section 10 of House Bill No. 6, passed at the Second Called Session of the Forty-first Legislature, providing for the distribution and apportionment of collections of license fees, and for reports thereof, and declaring an emergency";

The bill having been read second time on yesterday.

Mr. McKee offered the following amendment to the bill:

Amend House Bill No. 26 by striking out, on page 1, all of lines 24, 25, 26, and 27, and insert in lieu thereof the following: "And until the amount so deposited for the year shall have reached a total of two hundred twenty-five thousand dollars (\$225,000), he shall deposit to the credit of said fund, on Monday of each week, an amount equal to fifty per cent of collections made hereunder during the preceding week."

Mr. Coombes moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment, it was adopted.

Mr. Moffett moved the previous question on the engrossment of the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House Bill No. 26 then failed to pass to engrossment by the following vote:

Yeas—21

Coombes.	Mathis.
Dwyer.	McDougald.
Ford.	McKee.
Greathouse.	Moore.
Griffith.	Morse.
Holland.	Nicholson.
Hughes.	Parkhouse.
Jefferson.	Reed of Dallas.
Jones of Shelby.	Renfro.
Kayton.	Stinson.
Lemens.	

Nays—92

Adamson.	Crossley.
Aikin.	Daniel.
Alexander.	Davidson.
Alsup.	Dean.
Anderson	Devall.
of Johnson.	Dunlap.
Baker.	Dunagan.
Barrett.	Engelhard.
Barron.	Fain.
Beck.	Fisher.
Bedford.	Fuchs.
Bourne.	Glass.
Butler.	Graves.
Calvert.	Haag.
Camp.	Hankamer.
Canon.	Harman.
Cathey.	Harris.
Caven.	Harrison.
Clayton.	Hartzog.
Colson.	Hicks.

Hill of Brazoria.	Ramsey.
Hill of Webb.	Ratliff.
Hodges.	Ray.
Holekamp.	Reed of Bowie.
Hoskins.	Riddle.
Huddleston.	Roberts.
Jackson.	Rogers of Hunt.
James.	Rogers
Jones of Runnels.	of Ochiltree.
Kyle of Hays.	Rollins.
Kyle of Palo Pinto.	Ross.
Leonard.	Russell.
Lindsey.	Scott.
Lotief.	Shults.
Magee.	Smith.
Mackay.	Stanfield.
McClain.	Steward.
Merritt.	Tarwater.
Metcalfe.	Tillery.
Mitcham.	Townsend.
Moffett.	Wagstaff.
Morrison.	Walker.
Munson.	Weinert.
Palmer.	Wells.
Pavlica.	Winningham.
Pope.	Young.
Puryear.	

Absent

Burns.	Long.
Cowley.	McGregor.
Duvall.	Reader.
Holloway.	Scarborough.
Hunt.	Shannon.
Johnson	Tennyson.
of Anderson.	Van Zandt.
Jones of Atascosa.	West.
Laird.	

Absent—Excused

Anderson	Johnson of Dimmit.
of Bexar.	Latham.
Bradley.	McCullough.
Chastain.	Patterson.
Few.	Savage.
Golson.	Stovall.
Good.	Sullivan.
Goodman.	Thomas.
Head.	Turlington.
Hester.	Vaughan.
Hyder.	Wood.

Mr. Alsup moved to reconsider the vote by which the bill failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, March 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 32, Commending the Texas delegation in the Congress of the United States for their patriotism and whole-hearted support of the President's economy program.

Respectfully,
BOB BARKER,
Secretary of the Senate.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 40, Extending congratulations to the Hon. James A. Farley and the Hon. Silliman Evans.

S. C. R. No. 27, Relative to Fort D. A. Russell.

COMMENDING CONGRESS FOR THE SUPPORT OF THE PRESIDENT'S ECONOMY PROGRAM

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 32, Commending Congress for support of the President's Economy Plan.

Whereas, The Congress of the United States has risen to the occasion and supported the President's economy program; and

Whereas, The Texas delegation in Congress have responded nobly in this course; now, therefore, be it

Resolved by the Senate of Texas, the House concurring, That we heartily commend them for their patriotism on this occasion, applaud their efforts, and assure them that their constituents in Texas are wholeheartedly behind them in this time of the Nation's crisis; be it further

Resolved, That the Secretary of the Senate wire a copy of this resolution to Vice-President Garner for delivery to the Texas Members of the Senate, and to Speaker Rainey, for delivery to the Texas House Members.

Signed—Woodul, Redditt, Parr, Oneal, Poage, Duggan, Neal, Russek, Murphy, Witt, Lieutenant Governor; Woodruff, Hornsby, DeBerry, Cousins, Beck, Blackert, Fellbaum, Greer, Holbrook, Hopkins, Martin, Moore, Pace, Patton, Purl, Rawlings, Regan, Sanderford, Woodward, Collie.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 807 ON SECOND READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 807, A bill to be entitled "An Act to provide for conventions to pass on amendments to the Constitution of the United States which may be now, or may be hereafter, proposed by the Congress of the United States, for ratification by conventions in the several States; setting the time of said elections; prescribing the method of nominating delegates; prescribing the manner and method in which delegates shall be elected to attend such convention; providing the form of the ballot to be used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election, and declaring an emergency."

The bill was read second time.

Mr. Ray offered the following amendment to the bill:

Amend House Bill No. 807 by striking out line 19, page 1.

On motion of Mr. Moffett the amendment was tabled.

Mr. Glass offered the following amendment to the bill:

Amend House Bill No. 807, page 6, Section 18, lines 20 and 21, by striking out the words "the repeal of the Eighteenth," and substituting in lieu therefor the word "an."

The amendment was adopted.

Mr. Smith offered the following amendment to the bill:

Amend House Bill No. 807 by adding on page 2, line 23, after the word "amendment" the words "and will so cast his vote in convention," and in line 27, after the word "amendment," the words "and will so cast his vote in convention."

The amendment was adopted.

Mr. Young offered the following amendment to the bill:

Amend House Bill No. 807, Section 1, by striking out "at the next general election in the State" and "at the time State officers are elected," and insert in lieu thereof the following: "on the first Tues-

day after the first Monday in November in the year in which said proposed amendment is submitted to the several States."

YOUNG,
PARKHOUSE.

Mr. Moffett offered the following amendment to the amendment:

Amend amendment to House Bill No. 807 by adding to the same the following: "and the sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary is hereby appropriated out of the General Fund of the State Treasury to defray all of the necessary expenses of holding said election, on said date, in every voting box in Texas."

Mr. Walker moved the previous question on the pending amendments, amendment on the Speaker's desk, and the bill; and the main question was ordered.

Question first recurring on the amendment by Mr. Moffett, to the amendment, it was lost.

Question recurring on the amendment by Mr. Young, it was lost.

Mr. Moore offered the following amendment to the bill:

Amend House Bill No. 807, page 4, line 27, by inserting under the words "for ratification" the words "of the above amendment," and by inserting under the words "Against ratification" the words "of the above amendment."

MOORE,
METCALFE,
HUGHES,
ANDERSON of Johnson,
KYLE of Hays.

The amendment was adopted.

Mr. Moore offered the following amendment to the bill:

Amend House Bill No. 807, page 3, lines 18 and 19, by adding the words "of the above amendment" after the words "For ratification," and by adding the words "of the above amendment" after the words "Against ratification."

MOORE,
METCALFE,
HUGHES,
ANDERSON of Johnson,
KYLE of Hays.

The amendment was adopted.

House Bill No. 807 was then passed to engrossment.

Mr. Moffett moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 807 ON THIRD READING

Mr. Daniel moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 807 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adamson.	Holloway.
Alexander.	Hoskins.
Alsup.	Huddleston.
Anderson	Hunt.
of Johnson.	Jackson.
Baker.	James.
Barrett.	Jefferson.
Barron.	Johnson
Beck.	of Anderson.
Bedford.	Jones of Atascosa.
Bourne.	Jones of Runnels.
Burns.	Jones of Shelby.
Butler.	Kayton.
Calvert.	Kyle of Hays.
Camp.	Kyle of Palo Pinto.
Canon.	Laird.
Caven.	Lemens.
Clayton.	Lindsey.
Coombes.	Lotief.
Cowley.	Magee.
Crossley.	Mackay.
Daniel.	Mathis.
Davidson.	McClain.
Dean.	McDougald.
Devall.	McGregor.
Dunagan.	McKee.
Engelhard.	Merritt.
Fain.	Metcalfe.
Ford.	Mitcham.
Fuchs.	Moffett.
Glass.	Moore.
Graves.	Morrison.
Greathouse.	Morse.
Griffith.	Munson.
Haag.	Nicholson.
Hankamer.	Palmer.
Harman.	Parkhouse.
Harris.	Pavlica.
Harrison.	Pope.
Hartzog.	Puryear.
Hicks.	Ramsey.
Hill of Brazoria.	Ratliff.
Hill of Webb.	Reader.
Hodges.	Reed of Dallas.
Holekamp.	Renfro.
Holland.	Riddle.

Roberts.	Stinson.
Rogers of Hunt.	Sullivant.
Rogers	Tarwater.
of Ochiltree.	Tennyson.
Rollins.	Tillery.
Ross.	Townsend.
Russell.	Van Zandt.
Scarborough.	Wagstaff.
Scott.	Walker.
Shannon.	Wells.
Smith.	Winningham.
Stanfield.	Young.
Steward.	

Nays—3

Ray.	Shults.
Reed of Bowie.	

Present—Not Voting

Fisher.

Absent

Aikin.	Hughes.
Cathey.	Leonard.
Colson.	Long.
Dunlap.	Weinert.
Duvall.	West.
Dwyer.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Bradley.	Latham.
Chastain.	McCullough.
Few.	Patterson.
Golson.	Savage.
Good.	Stovall.
Goodman.	Thomas.
Head.	Turlington.
Hester.	Vaughan.
Hyder.	Wood.

The Speaker then laid House Bill No. 807 before the House on its third reading and final passage.

The bill was read third time.

Mrs. Hughes offered the following amendment to the bill.

Amend House Bill No. 807, Section 1, by striking out "at the time State officers are elected" and inserting said provision after the word "State," in line 24.

Mr. Morse moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mrs. Hughes, it was adopted.

House Bill No. 807 was then passed by the following vote:

Yeas—118

Adamson.	Alexander.
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Alsup.	Kayton.
Anderson	Kyle of Hays.
of Johnson.	Kyle of Palo Pinto.
Baker.	Laird.
Barron.	Lemens.
Beck.	Lindsey.
Bedford.	Lotief.
Bourne.	Magee.
Burns.	Mackay.
Butler.	Mathis.
Calvert.	McClain.
Camp.	McDougald.
Canon.	McGregor.
Cathey.	McKee.
Caven.	Merritt.
Clayton.	Metcalfe.
Colson.	Mitcham.
Coombes.	Moffett.
Cowley.	Moore.
Crossley.	Morrison.
Daniel.	Morse.
Davidson.	Munson.
Dean.	Nicholson.
Devall.	Palmer.
Dunagan.	Parkhouse.
Dwyer.	Pavlica.
Engelhard.	Pope.
Fain.	Puryear.
Fisher.	Ramsey.
Ford.	Ratliff.
Fuchs.	Reader.
Glass.	Reed of Dallas.
Graves.	Renfro.
Greathouse.	Riddle.
Griffith.	Roberts.
Haag.	Rogers of Hunt.
Hankamer.	Rogers
Harman.	of Ochiltree.
Harris.	Rollins.
Harrison.	Ross.
Hartzog.	Russell.
Hicks.	Scarborough.
Hill of Brazoria.	Shannon.
Hill of Webb.	Smith.
Hodges.	Stanfield.
Holekamp.	Steward.
Holland.	Stinson.
Holloway.	Sullivant.
Hoskins.	Tarwater.
Huddleston.	Tennyson.
Hughes.	Tillery.
Hunt.	Townsend.
Jackson.	Van Zandt.
James.	Wagstaff.
Jefferson.	Walker.
Johnson	Weinert.
of Anderson.	Wells.
Jones of Atascosa.	Winningham.
Jones of Runnels.	Young.
Jones of Shelby.	

Nays—5

Barrett.	Scott.
Ray.	Shults.
Reed of Bowie.	

Absent		Nays—61	
Aikin.	Leonard.	Baker.	Jefferson.
Dunlap.	Long.	Barrett.	Jones of Shelby.
Duvall.	West.	Barron.	Kyle of Palo Pinto.
Absent—Excused		Bedford.	Laird.
Anderson	Johnson	Burns.	Long.
of Bexar.	of Dimmit.	Butler.	Lotief.
Bradley.	Latham.	Caven.	Mathis.
Chastain.	McCullough.	Clayton.	Metcalf.
Few.	Patterson.	Colson.	Moore.
Golson.	Savage.	Coombes.	Morrison.
Good.	Stovall.	Crossley.	Morse.
Goodman.	Thomas.	Daniel.	Munson.
Head.	Turlington.	Davidson.	Palmer.
Hester.	Vaughan.	Dean.	Parkhouse.
Hyder.	Wood.	Devall.	Pope.
MOTION FOR SPECIAL ORDER		Dunagan.	Ramsey.
Mr. Lotief moved that House Bill		Engelhard.	Ratliff.
No. 337 be set as a special order for		Fain.	Ray.
10 o'clock a. m., next Friday.		Fisher.	Reed of Bowie.
The motion was lost.		Greathouse.	Reed of Dallas.
ADJOURNMENT		Griffith.	Renfro.
Mr. Daniel moved that the House		Haag.	Riddle.
adjourn until 10 o'clock a. m., next		Hankamer.	Roberts.
Monday.		Harrison.	Scarborough.
Mr. Merritt moved that the House		Hill of Brazoria.	Scott.
adjourn until 9:30 o'clock a. m., next		Hill of Webb.	Smith.
Monday.		Holland.	Stanfield.
Mr. Merritt moved that the House		Hughes.	Walker.
adjourn until 9:30 o'clock a. m., next		James.	Young.
Monday.		Present—Not Voting	
Question first recurring on the mo-		Magee.	
tion by Mr. Merritt, yeas and nays		Absent	
were demanded.		Aikin.	Huddleston.
The motion was lost by the fol-		Anderson	Hunt.
lowing vote:		of Johnson.	Johnson
Yeas—47		Beck.	of Anderson.
Adamson.	Merritt.	Bourne.	Jones of Atascosa.
Alexander.	Mitcham.	Calvert.	Kyle of Hays.
Alsup.	Moffett.	Camp.	Lemens.
Canon.	Pavlica.	Cathey.	Mackay.
Dwyer.	Puryear.	Cowley.	Nicholson.
Ford.	Rogers of Hunt.	Dunlap.	Reader.
Glass.	Rollins.	Duvall.	Rogers
Harris.	Ross.	Fuchs.	of Ochiltree.
Hartzog.	Russell.	Graves.	Weinert.
Hicks.	Shannon.	Harman.	West.
Hodges.	Shults.	Absent—Excused	
Holekamp.	Steward.	Anderson	Johnson
Holloway.	Stinson.	of Bexar.	of Dimmit.
Hoskins.	Sullivant.	Bradley.	Latham.
Jackson.	Tarwater.	Chastain.	McCullough.
Jones of Runnels.	Tennyson.	Few.	Patterson.
Kayton.	Tillery.	Golson.	Savage.
Leonard.	Townsend.	Good.	Stovall.
Lindsey.	Van Zandt.	Goodman.	Thomas.
McClain.	Wagstaff.	Head.	Turlington.
McDougald.	Wells.	Hester.	Vaughan.
McGregor.	Winningham.	Hyder.	Wood.
McKee.		Question next recurring on the	
		motion by Mr. Daniel, it prevailed,	

and the House, accordingly, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m., next Monday.

APPENDIX

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 19, A bill to be entitled "An Act to amend Article 1572, Chapter 3, Title 18, Revised Penal Code of the State of Texas of 1925; providing for penalties, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 7, A bill to be entitled "An Act providing for the preparation of budget by the county judge of each county in which the population according to the last preceding Federal Census exceeds three hundred thousand (300,000) inhabitants and does not exceed three hundred fifty-five thousand (355,000) inhabitants for the offices of the sheriff, county clerk, district clerk, tax assessor, tax collector, criminal district attorney, constables, and justices of the peace during the month of November of each year for the year beginning the following January 1; providing for the contents of such budget, and the method of obtaining the information for same; providing for a public hearing of same, and the time thereof and notice thereon; providing for action thereon by the commissioners court, and changes therein; providing for the filing of the court's order and copy of budget with the county clerk and State Comptroller; providing for expenditures in conformity with the budget; providing for amendments to the original

budget and filing thereof with reason therefor and expenditures in conformity therewith; providing for commissioners court fixing compensation of deputies, assistants, and employes regardless of limitations and maximum now provided by any other law or laws and for fixing the number of deputies, assistants, and employes regardless of the number provided and/or required by any other law or laws; and repealing all laws in conflict as applied to counties coming under the provisions of this law, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 260, A bill to be entitled "An Act amending Article 791 of the Penal Code, providing that Section 8, of Article 827-a, of the Acts of 1929, Forty-first Legislature, Second Called Session, page 72, Chapter 42, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 507, Chapter 282, relating to the speed of motor vehicles, shall not apply to fire patrols or motor vehicles operated by the fire department of any city, town, or village responding to calls, nor to police patrols or physicians and/or ambulances responding to emergency calls; and providing that incorporated cities and towns may, by ordinance, regulate the speed of ambulances, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 822, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, not in excess of the limit now provided by law, which are void or unenforceable

because the same were made and adopted by resolution, motion, or other informal action; and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; and which are insufficient and void or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the boards of equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalization were adopted and accepted orally, or by other informal action; and the acts of making such equalization, were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, March 17, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 40, Congratulating Hon. Silliman Evans,

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

FORTIETH DAY

(Monday, March 20, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Baker.
Adamson.	Barrett.
Aikin.	Beck.
Alexander.	Bedford.
Alsup.	Bourne.
Anderson	Burns.
of Bexar.	Butler.
Anderson	Calvert.
of Johnson.	Camp.

Canon.	Magee.
Cathey.	Mackay.
Caven.	Mathis.
Chastain.	McClain.
Clayton.	McCullough.
Colson.	McDougald.
Coombes.	McGregor.
Cowley.	McKee.
Crossley.	Merritt.
Daniel.	Metcalf.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Moore.
Dunlap.	Morrison.
Dunagan.	Morse.
Duvall.	Palmer.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Fain.	Pope.
Few.	Puryear.
Fisher.	Ramsey.
Ford.	Ratliff.
Fuchs.	Ray.
Glass.	Reader.
Golson.	Reed of Bowie.
Good.	Reed of Dallas.
Graves.	Renfro.
Greathouse.	Riddle.
Griffith.	Roberts.
Haag.	Rogers of Hunt.
Hankamer.	Rogers
Harris.	of Ochiltree.
Head.	Rollins.
Hester.	Ross.
Hicks.	Russell.
Hill of Brazoria.	Savage.
Hill of Webb.	Scarborough.
Hodges.	Scott.
Holekamp.	Shannon.
Holland.	Shults.
Holloway.	Smith.
Hoskins.	Steward.
Huddleston.	Stinson.
Hughes.	Stovall.
Hunt.	Sullivant.
Hyder.	Tarwater.
Jackson.	Tennyson.
James.	Thomas.
Jefferson.	Tillery.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Runnels.	Van Zandt.
Jones of Shelby.	Vaughan.
Kayton.	Wag taff.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Weinert.
Latham.	Wells.
Lemens.	West.
Leonard.	Winningham.
Lindsey.	Wood.
Long.	Young.

Absent

Barron.	Nicholson.
Harrison.	